

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SIVA D. BLACK,

Plaintiff,

v.

SISKIYOU COUNTY,

Defendant.

No. 2:24-cv-3709 DJC CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff, confined at Napa State Hospital, is proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. Plaintiff seeks an extension of time within which to file an amended complaint. Good cause appearing, the request for an extension of time will be granted and the amended complaint deemed timely.

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

As in his original complaint, plaintiff challenges the fact that he has been found unfit to stand trial in Siskiyou County and remanded to the custody of the Department of State Hospitals. To the extent petitioner seeks dismissal of the charges against him, his sole federal remedy lies in

1 an action for a writ of habeas corpus. Preiser v. Rodriguez, 411 U.S. 475, 500 (1973). To the
2 extent, he seeks a determination that he is competent to stand trial, federal courts generally cannot
3 interfere with pending state criminal proceedings. Younger v. Harris, 401 U.S. 37, 45-46 (1971).
4 Younger abstention is appropriate when the following factors are satisfied: “(1) there is an
5 ongoing state judicial proceeding; (2) the proceeding implicate[s] important state interests; (3)
6 there is an adequate opportunity in the state proceedings to raise constitutional challenges; and (4)
7 the requested relief seek[s] to enjoin or has the practical effect of enjoining the ongoing state
8 judicial proceeding.” Arevalo v. Hennessy, 882 F.3d 763, 765 (9th Cir. 2018) (citation and
9 internal quotations omitted). All of the Younger factors are met. While plaintiff expresses at
10 least frustration with the state court process, he fails to show his ability to raise good faith
11 Constitutional challenges is compromised in any meaningful way.

12 For these reasons, plaintiff's amended complaint must be dismissed. As it does not appear
13 plaintiff can, in good faith, state a claim upon which he can proceed, the court will not grant leave
14 to amend a second time.

15 In accordance with the above, IT IS HEREBY ORDERED that:

- 16 1. Plaintiff's motion for an extension of time (ECF No. 13) is GRANTED.
17 2. Plaintiff's amended complaint is deemed timely.

18 IT IS HEREBY RECOMMENDED that:

- 19 1. Plaintiff's amended complaint be dismissed for failure to state a claim upon which
20 relief can be granted; and
21 2. This case be closed.

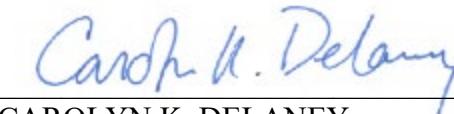
22 These findings and recommendations are submitted to the United States District Judge
23 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
24 after being served with these findings and recommendations, plaintiff may file written objections
25 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
26 and Recommendations.” Plaintiff is advised that failure to file objections within the specified

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1 time waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th
2 Cir. 1991).

3 Dated: March 14, 2025



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5 CAROLYN K. DELANEY
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7 UNITED STATES MAGISTRATE JUDGE
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